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EXAMINER

NANO, SARGON N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,589

Applicant(s)

SVEDLOFF, GEORGE

Examiner

Sargon N. Nano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Amendment

1. This action is responsive to the application amendment filed on Feb 23, 2005.

Claims 21 –24 are newly added. Claims 1 – 24 are pending examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 21-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 21 and 23 recite the limitation “executing is performed without compiling the markup language”. The specification does not include any indication on how the program generates the dynamic content without compiling the markup language.

Claims 21-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 21 and 23 recite the limitation “executing is performed without compiling the markup language”. The specification does not include any indication on

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how the program generates the dynamic content without compiling the markup language.

Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff'd mem.*, 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. The claim recites the negative limitation "executing is performed without compiling the markup language" which does not have support in the original disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 24 are rejected under 35 U.S.C. 102(e) as being anticipated by

Conner et al U.S. Patent No. 6,718,515.

As to claim 1 Conner teaches a method of serving web pages from server, said method comprising:

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accepting a request from a client computer system, said request specifying an address of a requested web page file (see col.3, lines 4 – 8, Conner teaches the receipt of a request at the server requesting a web page);

executing a program that manipulates an in-memory representation of said requested web page file to create a manipulated in-memory representation of said requested web page that contains dynamic content (see col.5 lines 40 –47 and fig.2. Conner teaches the execution of a program in response to client request to format HTML table for dynamic page that is being generated);

calling a routine that generates a markup language document from said manipulated in-memory representation of said requested web page file (see col.5 line 51 – col.6, line 19 and fig.4, Conner teaches the routine that generates HTML table); and returning said markup language document to said client computer system (see col.3 lines 10 –12 Conner teaches the return of the page to the requesting browser).

As to claims 9 and 17, Conner teaches a method and system of serving web pages from a server, said method comprising:

creating a modified mark-up language file for representing a web page appearance, said modified mark-up language file containing embedded identifier tags for identifying locations for dynamic content (see col.9, lines 27 – 40, Conner teaches the generation of HTML tags which represent the starting and ending of an address of dynamic attribute);

creating interactive program functions for generating dynamic content, said interactive program functions for modifying sections of said in-memory representation of

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said mark-up language file associated with said identifier tags identifying locations dynamic content (see col.8 line 65 – col. 9 line 5, Conner teaches the dynamic table modification by a single line of code); and

deploying said modified mark-up language file and said interactive program functions to a server system wherein said server system that creates an in-memory representation of said mark-up language file, executes said interactive program functions to manipulate said in-memory representation of said mark-up language file to create a manipulated in-memory representation of said mark-up language file, and generates a web page from said manipulated in-memory representation of said mark-up language file (see col.5 line 51 – col.6 , line 19 ,fig.4 and col.3 lines 10 –12, Conner teaches the routine that generates HTML table and the return of the page to the requesting browser).

As to claims 2, 10 and 18, Conner teaches the method and system of serving web pages as claimed in claims 1, 9 and 17 respectively further comprising:

determining if said requested web page file is current (see col.14, lines 23- 36, Conner teaches the determining of said requested file is current by creating customizable file).

As to claims 3 and 11, Conner teaches the method of serving web pages of claims 1 and 10 respectively further comprising:

creating a new in-memory representation of a new version of said requested web page file if said requested web page file is not current (see col.14, lines 23 – 47, Conner teaches the latest saved customized file and the generation of web page accordingly).

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As to claims 4 and 12, Conner teaches the method of serving web pages of claims 1 and 9 respectively further comprising:

automatically generating a new in-memory representation of said requested web page file when said requested web page file is modified (see col.8, lines 24 – 27 Conner teaches the modification in the web page by changing the default values in the dynamic table).

As to claims 5, 13 and 19, Conner teaches the method and system of serving web pages of claims 1, 9 and 17 wherein said in-memory representation of said requested web page file comprises a Document Object Model representation (see col. 9, lines 10 – 19 Conner teaches the web page file is a DOM, since through DOM programs the change in the appearance of the web page can be achieved).

As to claims 6 and 14, Conner teaches the method of serving web pages of claims 1 and 9 respectively wherein said program that manipulates an in-memory representation of said requested web page file comprises Java code (see col.4, lines 35 – 38 Conner teaches the implementation and the execution of the program in Java).

As to claims 7, 15 and 20, Conner teaches the method and system of serving web pages of claims 1, 9 and 17 respectively as wherein said program that manipulates an in-memory representation of said requested web page file performs the steps of:

automatically generating a new in-memory representation of said requested web page file when said requested web page file is modified (see col., 8 lines 24 – 27

Conner teaches the modification in the web page by changing the default values in the dynamic table) ; and
generating a clone of said new in -memory representation of said requested web page file (see col.11 lines 52 – 57 Conner teaches saving all attributes in a file).

As to claim 8, Conner teaches the method of serving web pages wherein said program that manipulates an in-memory representation of said requested web page file performs the steps of:

locating an identifier of a dynamic element to change within said in-memory representation of said requested web page file (see 8, lines 13 – 21 Conner teaches the identification of dynamic customer account is highlighted); and

changing said dynamic element in said in-memory representation of said requested web page file (see col.8 lines 24 – 27, Conner teaches the overwriting of the default values in the dynamic table).

As to claim 21, Conner teaches a method of generating a dynamic content web page, comprising:

applying at least one dynamic content identifier to markup language file; and
executing a program to generate dynamic content at a portion of the markup language file identified with the at least one dynamic content identifier, wherein the executing is performed without compiling the markup language file having the at least one dynamic content identifier (see col.3 lines 4 – 8).

As to claim 22, Conner teaches the method of claim 21, further comprising
verifying , by the program, that the at least one dynamic content identifier can be located

within the markup language file prior to executing (see col.5 lines 51 – col. 6 line 19 and fig. 4).

As to claim 23, Conner teaches a machine- readable medium having instructions to cause a machine to perform a machine-implemented method of generating a dynamic content web page, comprising:

applying at least one dynamic content identifier to a markup language file (see col.3 lines 4 – 8); and executing a program to generate dynamic content at a portion of the markup language file identified with the at least one dynamic content identifier, wherein the executing is performed without compiling the markup language file having at least one dynamic content identifier (see col.5 lines 40 – 47 and fig.2).

As to claim 24, Conner teaches the machine- readable medium of claim 23, further comprising verifying, by the program, that the at least one dynamic content identifier can be located within the markup language file prior to the executing (see col.5 lines 51 – col.6 line 19 and fig.4).

Response To Argument

Applicant arguments have been fully considered but they are not persuasive. Applicant argues in substance that A) Conner does not disclose executing a program that manipulates representation of requested web page that contains dynamic content; B) Conner does not disclose returning markup language to client.

In response to A) Conner discloses an HTML table as a dynamic page is served in response to a client browser which represents the dynamic contents (see col. 5 lines 28- 40 and fig. 7).

In response to B) Conner discloses an HTML table as a dynamic page that is returned to a web browser and the table is Hypertext Markup Language Format (see col.5 lines 28 – 40).

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on Monday – Friday from 8:30 – 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano
Patent examiner
April 5 2005



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